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DOCUMENT NO. I-03-04

RESOLUTION TO THE ACADEMIC SENATE

TITLE: Resolution to Endorse the Proposed POLICY ON FAIR, RESPONSIBLE AND ACCEPTABLE USE OF ELECTRONIC RESOURCES, and the Proposed Guidelines for Interpreting the Policy on Fair, Responsible, and Acceptable Use of Electronic Resources.

SUBMITTED BY: Faculty Affairs Committee

DATE: September 12, 2003

ACTION: Consultative

REFERENCES: University of Dayton, Faculty Handbook, Student Handbook, Policies and Procedures Manual for Staff Employees

RESOLVED: The Academic Senate of the University of Dayton supports the proposed POLICY ON FAIR, RESPONSIBLE AND ACCEPTABLE USE OF ELECTRONIC RESOURCES, and the proposed Guidelines for Interpreting the Policy on Fair, Responsible and Acceptable Use of Electronic Resources as set forth in the documents accompanying this resolution.

UNIVERSITY OF DAYTON

POLICY ON FAIR, RESPONSIBLE AND ACCEPTABLE USE OF ELECTRONIC RESOURCES

Based on changes recommended by Academic Senate
February 3, 2003

Preamble:

The purpose of this document is to establish and promote the ethical, legal, and secure use of computing and electronic communications for all members of the University community. This document replaces the “University of Dayton Policy on Fair, Responsible and Acceptable Use of Electronic Resources dated September 10, 2000.

The University of Dayton cherishes freedom of expression, the diversity of values and perspectives inherent in an academic institution, the right to acknowledgment, and the value of privacy for all members of the UD community. At the same time, the University may find it necessary to access and disclose information from computer and network users' accounts to the extent required by law, to uphold contractual obligations or other applicable University policies, or to diagnose and correct technical problems. For these reasons, among others, the ultimate privacy of messages and files cannot be ensured. In addition, system failures may lead to loss of data, so users should not assume that their messages and files are secure.

Although the University does not typically block access to online content, it reserves the right to do so in cases where online content or activity diminishes the capacity of our network or threatens the welfare of the University of Dayton or its core academic mission. While the University does not position itself as a censor, it reserves the right to limit access to its networks or to remove material stored or posted on University computers when applicable University policies, contractual obligations, or state or federal laws are violated. Alleged violations will be treated with the same fundamental fairness as any other alleged violation of University policy, contractual obligations, or state or federal laws.

Appropriate portions of this document were developed in accordance with the Digital Millennium Copyright Act of 1998, which can be referenced at the following web site: <http://www.loc.gov/copyright/legislation/dmca.pdf>.

University of Dayton

Policy on Fair, Responsible and Acceptable Use of Electronic Resources

1. Introduction

The University of Dayton (UD) values technology as a means of communicating information and ideas to the University community and the world. In keeping with the University's commitment to utilizing technology in teaching and learning, this policy provides direction in the appropriate use of all forms of electronic resources on campus. This document articulates the University of Dayton Policy on Fair, Responsible and Acceptable Use of Electronic Resources, provide example violations and outlines procedures for reporting, addressing, sanctioning and appealing policy violations.

2. Definitions

For the purposes of this policy, electronic resources are defined as all computer-related equipment, computer systems, software/ network applications, interconnecting networks, facsimile machines, voicemail and other telecommunications facilities, as well as all information contained therein (collectively, "electronic resources") owned or managed by the University.

3. General Restrictions and Disclaimers

While the use of University of Dayton electronic resources may be a requirement for coursework and work, access and use may be restricted or revoked in cases of misuse or repeated abuse. University of Dayton reserves the right to limit access to its electronic resources when applicable University policies, state and/or federal laws or contractual obligations are violated. The University does not, as a rule, monitor the content of materials transported over the University's network or information posted on University-owned computers and networks, but reserves the right to do so. Although the University does not typically block access to online content, it reserves the right to do so in cases where online content or activity diminishes the capacity of our network, or where there is a threat to the University of Dayton or its core academic mission. University of Dayton provides reasonable security against intrusion and damage to files stored on the central computing facilities, but does not guarantee that its computer systems are secure. The University of Dayton may not be held accountable for unauthorized access by other users, nor can the University guarantee protection against media failure, fire, floods, or other natural or man-made disasters.

4. Persons Covered by this Policy

This policy applies to all users of computer resources owned or managed by University of Dayton, including, but not limited to, UD faculty and visiting faculty, staff, students, external persons or organizations and individuals accessing external network services, such as the Internet and Intranet.

5. Use of Resources

All users of University of Dayton electronic resources are expected to utilize such resources in a responsible, ethical and legal manner consistent with University of Dayton mission and policies. As a user of University of Dayton electronic resources, you agree to be subject to the guidelines of this Policy on Fair, Responsible and Acceptable Use of Electronic Resources.

6. Policies on Fair, Responsible and Acceptable Use

The following policy statements, in ***Bold Italics***, are accompanied by specific examples that highlight types of activities that constitute unfair, irresponsible or unacceptable use of UD electronic resources. That document is called "Guidelines for Interpreting the Policy." Please note that these examples are provided for the purpose of illustrating each policy's intent and are not intended to be an exhaustive list of all possible scenarios within the policy framework.

6a) University of Dayton electronic resources may not be used to damage, impair, disrupt or in any way cause purposeful or reckless damage to University of Dayton networks or computers or external networks or computers.

6b) Unauthorized access, reproduction or use of the resources of others is prohibited.

6c) Use of University of Dayton electronic resources to interfere with or cause impairment to the activities of other individuals is prohibited.

6d) Use of University of Dayton electronic resources to harass or make threats to specific individuals, or a class of individuals, is prohibited

6e) Use of UD electronic resources in pursuit of unauthorized commercial activities is prohibited.

6f) Use of UD electronic resources to violate city, state, federal or international laws, rules, regulations, rulings or orders, or to otherwise violate any University rules or policies is prohibited.

7. Reporting and Response to Violations

Members of the University of Dayton community who believe they have witnessed or been a victim of a violation of the University's Policy on Fair, Responsible and Acceptable Use of Electronic Resources should notify or file a complaint with the appropriate University office as follows:

- Students should report suspected violations to the Office of Computing Ethics.
- Faculty members should report suspected violations to their Dean or the Dean's designated contact.
- Staff should report violations to their supervisor.

If the unit authority determines that a violation likely has occurred, this violation should be reported as follows:

- to the Office of the Provost (if the violation involves students or academic faculty/staff) or
- to the Office of Human Resources (if the violation involves staff from non-academic units).

Designated persons in the Provost and Human Resources offices are responsible for recording, tracking and reporting violations to the appropriate UD officials in accordance with the University Grievance Policy and/or the Standard Judicial Process

8.0 Appeal procedures

Those individuals who are found in violation of the policy may submit a written statement of appeal the same as any other grievance cases to the following:

- Students follow standard Judicial Process;
- Faculty and academic "staff/administrative units" can appeal to the Dean or Provost;

Staff in Non-academic units can appeal to their Supervisor or HR representative

UNIVERSITY OF DAYTON

POLICY ON FAIR, RESPONSIBLE AND ACCEPTABLE USE OF ELECTRONIC RESOURCES

Guidelines for Interpreting the Policy on Fair, Responsible, and Acceptable Use of Electronic Resources

February 3, 2003

The following guidelines and associated examples highlight the types of activities that constitute unfair, irresponsible, or unacceptable use of University of Dayton (UD) electronic resources. Please note that these examples are provided for the purpose of illustrating the policy's intent. This is not intended to be an exhaustive list.

6a) University of Dayton electronic resources may not be used to damage, impair, disrupt or in any way cause purposeful or reckless damage to University of Dayton networks or computers or external networks or computers.

You are responsible for your ID and password.

Table 1 - Cross References:

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none">• Responsibilities Associated with Access to Electronic Records and the Administrative Computing System• Confidentiality and Security of University Property	<p>General University policy,</p> <ul style="list-style-type: none">• Confidentiality and Security of University Property,	<ul style="list-style-type: none">• Damage• Falsification of Records• Forgery and Misrepresentation

For example, you may not:

1. Use University of Dayton electronic resources to breach security of any computer system
2. Use computer resources to send large amounts of email (e.g., email "spamming") to an internal or external system
3. Send email of any type to someone's address in an effort to disable their email capabilities
4. Run DNS or DHCP server that interfere with the University network

5. Forge, alter or willfully falsify electronic mail headers, directory information, or other information generated and/or maintained by the University
6. Use computer resources irresponsibly or in a manner that adversely affects the work of others. This includes recklessly or intentionally (1) damaging any system by introducing computer "viruses" or "worms," (2) damaging or violating information not belonging to you, or (3) misusing or allowing misuse of computer resources
7. Use University of Dayton resources for non-University related activities that unduly increase the network load (e.g., chain mail, network gaming and spamming)

6b) Unauthorized access, reproduction or use of the resources of others is prohibited.

Educational activities, if supervised by faculty member for educational purposes are considered "authorized."

Table 2 - Cross References

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none"> • Responsibilities Associated with Access to Electronic Records and the Administrative Computing System • Confidentiality and Security of University Property 	<p>General University policy,</p> <ul style="list-style-type: none"> • Confidentiality and Security of University Property, • World Wide Web Policy 	<ul style="list-style-type: none"> • Compliance with rules and regulations of other institutions • Damage • Falsification of Records • Forgery and Misrepresentation

For example, you may not:

1. Make illegal unauthorized copies of copyrighted materials. Copying or downloading copyrighted materials without the authorization of the copyright owner or other legal privilege, is against the law, and may result in civil and/or criminal penalties, including fines and imprisonment.
2. Create or execute any computer programs intended to (a) obscure the true identity of the sender of electronic mail or electronic messages, (b) bypass, subvert, or otherwise render ineffective the security or access control measures on any network or computer system without the permission of the owner, or (c) examine or collect data from the network (e.g., a "network sniffer" program).
3. Use electronic resources to gain unauthorized access to resources of the University or other institutions, organizations or individuals
4. Use false or misleading information for the purpose of obtaining access to unauthorized resources
5. Access, alter, copy, move or remove information, proprietary software or other data files without prior authorization
6. Use electronic resources to discover another individual's password
7. Use electronic resources to obtain personal information (e.g. educational records, grades, or other University files) about an individual without their permission
8. Use electronic resources to forge an academic document
9. Use electronic resources to take without authorization another person's work or to misrepresent one's own work
10. Use electronic communication to cheat, take advantage of, exploit, or conspire on examinations, papers, or any other academic work
11. Use electronic resources to falsify or fabricate research data
12. Use electronic resources to obtain or release another individual's or entity's proprietary information or trade secrets
13. Use University of Dayton electronic resources for remote activities that are unauthorized at the remote site
14. Intercept transmitted information intended for another user

15. Scan computers for open or used ports

6c) Use of University of Dayton electronic resources to interfere with or cause impairment to the activities of other individuals is prohibited.

Table 3 - Cross References

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none">• Responsibilities Associated with Access to Electronic Records and the Administrative Computing System• Confidentiality and Security of University Property	General University policy, <ul style="list-style-type: none">• Confidentiality and Security of University Property,	<ul style="list-style-type: none">• Damage• Falsification of Records• Forgery and Misrepresentation

For example, you may not:

1. Send chain email or information **meant to defraud receivers of money or property.**
2. Send large quantities of email to an individual's mailbox (e.g., email "spamming"), which have the effect of interfering with or causing impairment to that individual's activities
3. Change an individual's password in an effort to access their account
4. Communicate or use any password, personal identification number, credit card number or other personal or financial information without the permission of its owner

6d) Use of University of Dayton electronic resources to harass or make threats to specific individuals, or a class of individuals, is prohibited

Table 4 - Cross References

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none">• Dignity and Standards of Behavior.• Policy on Sexual Harassment,• Affirmative Action &University Employment Policy	<ul style="list-style-type: none">• Statement on Demonstrations, Dignity and Diversity• Sexual Harassment Policy• Affirmative Action Policy	<ul style="list-style-type: none">• Harassment

For example, you may not:

1. Send unwanted and repeated communication by electronic mail, voicemail or other form of electronic

communication

2. Send communication by electronic mail, voicemail or other form of electronic communication that contravenes the University's "Statement Against Discrimination or Harassment.")
3. Use email or newsgroups to threaten, stalk or harass someone
4. Post or send personal or sensitive information about individuals via any form of electronic communication that may harm or defame

6e) Use of UD electronic resources in pursuit of unauthorized commercial activities is prohibited.

Faculty, staff and students may be authorized for such activities under special circumstances when deemed to contribute to the reputation of The University of Dayton or to promoted the tenure track of faculty.

Table 5 -- Cross References

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none">• Conflict of Interest,• Distribution or Sale of Materials and Solicitation of or by Employees• Misconduct in Research and Scholarship,	<ul style="list-style-type: none">• Conflict of Interest,• Distribution or Sale of Materials and Solicitation of or by Employees• Professional Ethics	<ul style="list-style-type: none">• Business Operations.

For example, you may not:

1. Use computer resources for personal commercial gain, or other commercial purpose without approval by the University
2. Use computer resources to operate or support a non-University related business
3. Use computer resources in a manner inconsistent with the University' s contractual obligations to suppliers of those resources or with any published University policy
4. Use your University granted web-space for personal monetary gain (this includes clickable ads and pay-per click banners) without approval by the University
5. Register domain names to the University of Dayton network without proper approval

6f) Use of UD electronic resources to violate city, state, federal or international laws, rules, regulations, rulings or orders, or to otherwise violate any University rules or policies is prohibited.

Table 6 - Cross References

Human Resources Policies and Procedures Manual for Staff employees	Faculty Handbook	Student Handbook
<ul style="list-style-type: none">• Responsibilities Associated with	General University policy,	<ul style="list-style-type: none">• Gambling

Access to Electronic Records and the Administrative Computing System <ul style="list-style-type: none"> • Confidentiality and Security of University Property 	<ul style="list-style-type: none"> • Confidentiality and Security of University Property, 	<ul style="list-style-type: none"> • Damage • Falsification of Records • Forgery and Misrepresentation • Compliance with rules and regulations of other institutions
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For example, you may not:

1. Pirate software, upload or download music (MP3's and video's) and images in violation of copyright and trademark laws
2. Effect or receive unauthorized electronic transfer of funds
3. Disseminate child pornography or other obscene material
4. Violate any laws or participate in the commission or furtherance of any crime or other unlawful or improper purpose